

## REMARKS

The present amendment is submitted in response to the Office Action dated August 10, 2006, which set a three-month period for response. Filed herewith is a Request for a One-month Extension of Time, making this amendment due by December 10, 2006.

Claims 1-8 are pending in this application.

In the Office Action, claims 1, 4, and 8 were rejected under 35 U.S.C. 102(b) as being anticipated by WO 02/16964 to Schreiber using U.S. 2003/014938 for translation. Claims 3, 6, and 7 were rejected under 35 U.S.C. 103(a) as being unpatentable over Schreiber using U.S. 2003/014938 for translation.

The Applicants note with appreciation the allowance of claims 2 and 5, if rewritten in independent form to include the limitations of the base claim and any intervening claims.

In this amendment, the specification has been amended to add standard headings, to add a cross reference to the related priority document, and to delete reference to the claims.

Regarding the substantive rejections of claims 1, 3, 4, and 6-8, the Applicants respectfully submit that the cited WO reference to Schreiber neither anticipates nor makes obvious the present invention.

The primary reference to Schreiber does not disclose that in addition to the cathode voltage  $U_K$  ( $U_K = U_0 + u_K(t)$ ) of the measuring diode (62), an anode

voltage  $U_A$  of the measuring diode (62) is also modulated ( $U_A = u_A(t)$ ), as defined in claim 1.

In the exemplary embodiment of Fig. 4 of Schreiber, the anode end of the receiving diode 4 is modulated with a high-frequency mixing signal  $F$ ; however, no modulation of the cathode-side inlet of the photodiode occurs. In addition, the low-frequency mixed frequency signal  $NF$  is measured on the cathode side and via an analogue switch 4, supplied sequentially to a low-frequency filter 15, in which the remaining high-frequency signal parts are filtered out (see page 9, line 23 through page 10, line 21, of the WO reference to Schreiber).

A method, in which the cathode side as well as the anode side of the receiving diode is modulated is not disclosed or suggested by the Schreiber reference.

The method for optical distance measuring defined in claims 1-8 of the present application makes possible in an advantageous manner reducing or completely avoiding common-mode interference, which occurs in the same manner in the cathode path as well as in the anode path of the measurement receiver. These types of common-mode interferences are no longer mixed in full intensity, according to the claimed invention, so that the mixing in the diode merely amounts to the differential signal between the cathode side and the anode side.

In addition, compared to a pure anode or cathode modulation, with the method of the present invention, one requires only a fragment of the modulation amplitude, in order to generate a modulation signal of the desired intensity to the

photodiode serving as the mixer element. This is advantageous, in particular, in the range of high frequencies, since the driver power for producing the modulation frequencies can be reduced accordingly.

This advantage and the corresponding structure of a distance measuring device is not disclosed or suggested by Schreiber. Thus, the cited reference to Schneider cannot be an appropriate reference either under MPEP section 2131, which indicates that to anticipate a claim a reference must teach every element of the claim in as complete detail as is contained in the Applicants' claim, or under MPEP section 2143.03, since not all of the Applicants' claim limitations are taught or suggested.

For the reasons set forth above, the Applicants respectfully submit that all of claims 1-8 are patentable over the cited art. The Applicants further request withdrawal of the rejections and reconsideration of the claims as herein amended.

In light of the foregoing amendments and arguments in support of patentability, the Applicants respectfully submit that this application stands in condition for allowance. Action to this end is courteously solicited.

Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,

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